

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRANCE E. WILLIAMS,

Plaintiff

Case No. 3:23-cv-00601-MMD-CSD

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants

I. DISCUSSION

On December 11, 2023, the Court directed Plaintiff to file a complaint and to file a fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 4). Plaintiff has filed a proposed summons, two motions to introduce exhibits, and a civil cover sheet. (ECF Nos. 5, 6, 7, 8). But Plaintiff has not filed a complaint, and he has not filed an application to proceed *in forma pauperis* or paid the \$402 filing fee.

As the Court explained in its previous order, under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. U.S. District Court District of Nevada Local Rule LSR 2-1 states: “[a] civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” The Court grants Plaintiff one final opportunity, until **March 15, 2024**, to submit a complaint to this Court.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma**

1 ***Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly
 2 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is
 3 page 4 of the Court’s approved form, that is properly signed by both the inmate and a
 4 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**
 5 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
 6 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
 7 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 8 See 28 U.S.C. § 1915(b).

9 The Court grants Plaintiff one final opportunity, until **March 15, 2024**, to submit a
 10 complete application to proceed *in forma pauperis* to this Court or pay the \$402 filing fee
 11 in full.

12 **II. CONCLUSION**

13 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this
 14 Court on or before **March 15, 2024**.

15 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
 16 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

17 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
 18 application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 19 information and instructions for filing an *in forma pauperis* application.

20 It is further ordered that on or before **March 15, 2024**, Plaintiff will either pay the
 21 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
 22 three required documents: (1) a completed application with the inmate’s two signatures
 23 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 24 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the
 25 previous six-month period.

26 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 27 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 28 to refile the case with the Court, under a new case number, when Plaintiff can file a

1 complaint and a complete application to proceed *in forma pauperis* or pay the required
2 filing fee.

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4 DATED THIS 13th day of February 2024.

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UNITED STATES MAGISTRATE JUDGE